

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
SHELDON ROMERO, Individually and On  
Behalf of All Others Similarly Situated,

Plaintiff,

-against-

ABCZ CORP., ABCZ II MGMT. CORP.,  
SUSHI FUN DINING & CATERING, INC.,  
PACIFIC CLUB HOLDINGS, INC., WEST  
20TH ENTERPRISES CORP., SELIM "SAM"  
ZHERKA and JOHN DOES #1-10, Jointly and  
Severally,

Defendants.

ANALISA TORRES, District Judge:

By letter dated September 2, 2014, Plaintiff requests a pre-motion conference on a proposed motion to dismiss Defendants' counterclaim for "unjust enrichment – offset." By letter dated September 10, 2014, Defendants withdraw their counterclaim. Accordingly, Plaintiff's request for a pre-motion conference is DENIED as moot. Pursuant to Rule 41 of the Federal Rules of Civil Procedure, Defendants' counterclaim is dismissed without prejudice. *See Fed. R. Civ. P. 41(a)(1)(A)(i), (c).*

The Clerk of Court is directed to terminate the motion at ECF No. 22.

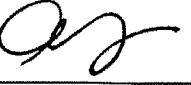
SO ORDERED.

Dated: September 10, 2014  
New York, New York

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: 9/10/14  
DATE FILED: 9/10/14

14 Civ. 3653 (AT)

**ORDER**

  
ANALISA TORRES  
United States District Judge